### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

S.L. Eikenberg

Attorney Docket No.: USAM117030

Application No.: 09/828,601

Filed:

April 6, 2001

Examiner: --

Title:

EASY ACCESS DENTAL FIELD OPERATING AND TREATMENT

SYSTEM HAVING OVER-THE-PATIENT DELIVERY

DECLARATION IN LIEU OF OATH OF STEVEN L. EIKENBERG UNDER 37 C.F.R. § 1.56

#### TO THE COMMISSIONER FOR PATENTS:

I, Dr. Steven L. Eikenberg, state as follows:

- 1. I am employed by the United States Army, which will become the eventual assignee of the above-referenced U.S. patent application.
  - 2. I am the named inventor listed on the above-referenced U.S. patent application.
- 3. Prior to filing the above-referenced patent application, I was involved in obtaining a few prototypes used for experimentation. These prototypes were obtained under the conditions summarized as follows.
- 4. On or about 07 July 1999 through 13 August 1999 (multiple levels of paperwork and multiple signature requirements make it difficult to determine date with specificity): USADRD (United States Army Dental Research Detachment) executed a Supply Request Form to Martin-Peterson Company requesting "custom dental cases fabricated per and customer specified essential characteristics wood prototype. Item to be made from gauge 304 #4 stainless steel." (see attached copy of purchase request appearing as page A1 of the Appendix).
- 5. On or about 27 July 1999: Martin Peterson Company, Inc. executed Quote #JGS99034 to the Tri-Service Research Detachment -- Great Lakes for "3 [three] custom dental

LAW OFFICES OF CHRISTENSEN O'CONNOR JOHNSON KINDNESSPILE 1420 Fifth Avenue Suite 2800 Seattle, Washington 98101 206.682.8100

cases per customer wood prototype an spec sheet except made from 13Ga 304 #4 S.S." (see attached copy of Quote #JGS99034 appearing as page A2 of the Appendix).

- 6. On or about 10 August 1999: A Procurement Order was issued by U.S. Army Medical Research Acquisition Activity to Martin-Peterson Company for 3 (three) "custom dental cases fabricated per and customer specified essential characteristics wood prototype. Item to be made from 16 gauge 304#4 Stainless Steel." (see attached copy of Procurement Order appearing as page A3 of the Appendix).
- 7. On or about 09 September 1999: A Shipping Ticket was executed by Martin Peterson, Co. Inc. for "3 Custom Dental Cases." (see attached copy of Shipping Ticket appearing as page A4 of the Appendix).
- 8. On or about 10 April 2000 through 11 April 2000 (multiple levels of paperwork and multiple signature requirements make it difficult to determine date with specificity): USADRD (United States Army Dental Research Detachment) executed a Supply Request Form to Martin-Peterson Company requesting "custom built dental delivery system cases for prototype USADRD DEFTOS." (see attached copy of Supply Request Form appearing as page B1 of the Appendix).
- 9. On or about 05 April 2000: Martin Peterson Company, Inc. executed Quote #00JGS055 to the Tri-Service Research Detachment -- Great Lakes for "1 [one] Custom Delivery System Cases For Prototype Field Treatment And Operating System; 5 [five] Custom Delivery System Cases for Prototype Field Treatment and Operating System; 7 [seven] Custom Delivery System Cases for Prototype Field Treatment and Operating System." (see attached copy of Quote #00JGS055 appearing as page B2 of the Appendix).
- 10. On or about 23 August 2000: Martin Peterson Company, Inc. executed an Invoice having Order #DAMD1700P0538 to the US Army Dental Research Detachment -- Great Lakes for "7 [seven] Custom Dental Laser Cases" having a Section B addendum listing Supplies

LAW OFFICES OF CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup> 1420 Fifth Avenue Suite 2800 Seattle, Washington 98101 206.682.8100 or Services and Prices which recited "custom built dental delivery system case FFP0 Custom Built Delivery System Cases for Prototype USADRD DEFTOS . . . . " (see attached copy of Invoice having Order #DAMD1700P0538 appearing as pages B3-B4 of the Appendix).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 15 My 2 mg

Steven L. Eikenberg

Residence Address:

3421 - 109th Street

Pleasant Prairie, Wisconsin 53158

DRC:sbk



| I NO VALIS                            | Branch   | Chief  | Dir. of                     |                                       | XO/C        | comptr | oller  | Chief, Logistics |             |  |
|---------------------------------------|----------|--|-----------------------------|---------------------------------------|-------------|--------|--|------------------|-------------|--|
| 'PROVALS initials/date                | /990     | <b>67</b> 2  | SIR 1                       | 28 Jul99                              | 3           | 17-1   | -28-99 Lu  |                  | South 18 1  |  |
| REQUESTED                             | Branch   | N  | Vame                        | Phor                                  | ne #        |        | APC  | HR               | # Date      |  |
| BY                                    | BIOENG   | LTC  | Eikenberg                   | 847-688-73                            | 73ext2      | 70 9   | ZBC  | DU               | 990421      |  |
| JUSTIFICATIO                          | N To cor | astraict a cu  | stomized case               | for the LISA                          | DRD r       | mtotyn | c electri  | ic field d       | lental      |  |
| JOSINICATI                            |          |  | erating system              |                                       |             |        |  |                  |             |  |
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| COLIDCE                               |          |  | Dataman Can                 |                                       |             |        |  | _                |             |  |
| SOURCE                                |          | Company Martin-Petersen Company  Address 9625- 55th St |                             |                                       |             |        |  |                  |             |  |
|                                       |          |  | 55 St                       | <del> </del>                          | T           |        |  |                  |             |  |
|                                       | <u> </u> | City Kenosha State WI Zip 53144                        |                             |                                       |             |        | 44   |                  |             |  |
|                                       |          | Jim Savigl   | io                          |                                       | 1           |        | 558-132  | 6                |             |  |
|                                       | GSA#     |  |                             | · · · · · · · · · · · · · · · · · · · | FAX         | 414-65 | 8-8694   |                  |             |  |
| ITEM NUMBE                            | R NOME   | NOMENCLATURE   |                             |                                       | Q           | UI     | Price  | Each             | Total Price |  |
|                                       | Custon   | n dental ca  | ses fabricated              | per and                               |             |        |  |                  |             |  |
| · · · · · · · · · · · · · · · · · · · | custom   | er specifie  | ed essential cha            | aracteristics                         |             |        | 1  |                  |             |  |
|                                       |          |  |                             |                                       |             |        | +  |                  |             |  |
|                                       | wood r   | prototype.   |                             |                                       |             |        | 1  |                  |             |  |
| •                                     |          | • • •  | Item to be made             |                                       | 3           | 1      | <del>                                     </del> |                  | 2,394.00    |  |
|                                       |          | • • •  |                             |                                       | 3           | 1      |  |                  | 2,394.00    |  |
|                                       |          | • • •  | Item to be made             |                                       | 3           | 1      |  |                  | 2,394.00    |  |
|                                       |          | • • •  | Item to be made             |                                       | 3           | 1      |  |                  | 2,394.00    |  |
|                                       |          | • • •  | Item to be made             |                                       | 3           | 1      |  |                  | 2,394.00    |  |
|                                       |          | • • •  | Item to be made             |                                       | 3           | 1      |  |                  | 2,394.00    |  |
|                                       | gauge .  | 304 #4 stai  | Item to be madinless steel. | de from 16                            | 3           | 1      |  |                  | 2,394.00    |  |
|                                       | gauge .  | 304 #4 stai  | Item to be madinless steel. | de from 16                            | 3           | 1      |  |                  | 2,394.00    |  |

Credit Card Orders (<\$2500): Items must be in stock. Vendor must take Government Visa Card. No more than 15 line items Purchase Orders (>\$2500): Include Manufacturer and Manufacturer Part #. Minimum Essential Requirements must be attached. To Expedite All Orders: Provide all required information. Verify all prices with vendor. If possible, attach vendor price quote with price quote # and date of quote.

| Log Action | Control # | 9223-4013 | Ordered By Che Shill |
|------------|-----------|-----------|----------------------|
|            | CAPR#     |           | Date 13 Aug 99       |

ADRD Order Form.doc 27-Jul-99

NLT 10 Sep 99

\$2,394.00

Shipping & Handling TOTAL AMOUNT



### Martin Petersen Company, Inc.

Mechanical Contractors, Fabricators, & Engineers.

(Custom Stainless Steel Manufacturers for 46 years)

(ASME Tank Manufacturers)

 Ship Via
 UPS

 F.O.B
 Kenosha

 s)
 Terms
 Net 30

 Revised
 Net 30

JGS99034

7/27/99

3 Weeks

7/27/99

Date:

9625 55th Street - Kenosha, WI 53144 - 414.658.1326 - 414.658.0694 Fax

Quote #

Delivery

Date

To: Tri-Service Research Detachment - Great Lakes

Attn: LTC Steven Eikenberg

| Custom Dental Cases per customer wood prototype and | \$798.00   | \$2,394.00                                     |
|---|--|--|
| spec sheet except made from 16Ga. 304 # 4 S.S.      |  |  |
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| od for 60 Days                                      | Total Price  | \$2,394.0                                      |
|   | Custom Dental Cases per customer wood prototype and spec sheet except made from 16Ga. 304 # 4 S.S. | spec sheet except made from 16Ga. 304 # 4 S.S. |

- A2 -

BY: Jim Savaglio

## PROCUREMENT FOR

DIV/DEPT

ESTIMATED DELIVERY DATE

CONTROL No 9223 4013

17

10-SEP-99

U.S. ARMY MEDICAL RESEARCH

ACQUISITION ACTIVITY

ATTN: MCMR-RMA

ORDER ISSUED BY:

FORT DETRICK, MD 21702-5014

9625-55TH ST

MARTIN-PETERSEN CO

KENOSHA

WTRACTOR:

WI 53144

JIM SAVIGLIO

414-658-1326

SHIP TO:

DENTAL RESEARCH DETACHMENT

17

PAYMENT WILL BE MADE BY:

DEFENSE FINANCE & ACCOUNTING SERVICE

ATTN: DFAS-SA/FPAM (Ms Shu-Li Shelton)

500 McCollough Ave

San Antonio, TX 78215-2100

PHONE (210) 527-8318

ACCOUNTING & APPROPRIATION DATA (CHECK APPLICABLE FUNDS)

2192040 9748106 633002.840GA

26ER 9ZBC S18064 DLL

Qty Price Commitment No Commitment Ui Item Fy Apc Eor 798 :0YCU9223N031 CUSTOM DENTAL CASES FABRICATED 99 9ZBC 26ER 3 2394 E.A. PER AND CUSTOMER SPECIFIED

ESSENTIAL CHARACTERISTICS WOOD PROTOTYPE. ITEM TO BE MADE FROM 16 GAUGE 304#4 STAINLESS STEEL.

I CERTIFY THAT THE PRICES SHOWN ARE CONSIDERED FAIR AND REASONABLE )

Total

(BUYERS NAME)

2394

### SHIPPING ATLCKEST

MARTIN PETERSEN CO. INC. 9625 55th Street KENOSHA WI. 53144 Phone 414-658-1326

| Luston                                  | er                                    | Ship to                |
|---|---------------------------------------|------------------------|
| GLNB                                    |                                       |                        |
| *************************************** |                                       |                        |
| Date <b>0</b> 9/0                       | 9/99 PO Number                        | Ship_Via CUST F/U/VISA |
| JOB-Phase                               | Qty Shipped                           | Description            |
| M91394-0                                | 3                                     | CUSTOM DENTAL CASES    |
|   | · · · · · · · · · · · · · · · · · · · |                        |

RECIEVED BY SAT Joing of Little 100. 9, 10 A

## USADRD

# SUPPLY REQUEST FORM

| APPROVALS     | Branch Chief | Dir. of | Res.     | XO/Cor | nptroller | Chief, | Logistics |
|---------------|--------------|---------|----------|--------|-----------|--------|-----------|
| initials/date | /000410      | BAR 1   | 10Apr 00 | Sel    | I HARR B) | m      | 11 APR DO |
|               |              |         |          |        |           | 0      |           |
| DECLIECTED    | Describ      | Name    | Dho      | mo#    | ADC       | UD #   | Dota      |

| REQUESTED | Branch | Name          | Phone #            | APC  | HR# | Date   |
|-----------|--------|---------------|--------------------|------|-----|--------|
| BY        | BIOENG | LTC Eikenberg | 847-688-7373ext270 | 9KZH |     | 000410 |

| JUSTIFICATION | To construct delivery system cases for USADRD prototype field treatment and     |
|---------------|---|
| A A A A A     | Operating system, 6.3 Advance Demonstration Model. Subcomponents will be        |
| MSHI          | Assembled within this custom built case. This work is in accordance with USADRD |
|               | protocol 451. (see sole source justification)                                   |
|               |   |

| SOURCE | Company Martin-Petersen Company |                           |                  |  |  |  |
|--------|---------------------------------|---------------------------|------------------|--|--|--|
|        | Address 9625-55th St            |                           |                  |  |  |  |
|        | City Kenosha                    | State WI                  | <b>Zip</b> 53144 |  |  |  |
|        | POC Jim Saviglio                | <b>Phone</b> 262-658-1326 |                  |  |  |  |
|        | GSA#                            | FAX 262-658               | 3-8694           |  |  |  |

| ITEM NUMBER  | NOMENCLATURE                              | Q     | UI          | Price Each | Total Price       |
|--------------|---|-------|-------------|------------|-------------------|
| Custom order | Custom built dental delivery system cases |       |             |            |                   |
|              | for prototype USADRD DEFTOS               | 7     | 1           | 1,373.00   | 9,611. <b>0</b> 0 |
|              |   |       |             |            |                   |
|              | Rush pleuse                               |       | <del></del> |            |                   |
|              | ·   |       |             |            |                   |
|              |   |       |             |            |                   |
|              | Items in stock. No it is to be fabricated |       |             |            |                   |
|              | Credit card accepted                      |       |             |            |                   |
|              |   | Shipp | oing &      | Handling   |                   |
|              |   |       |             | IOUNT      | \$9,611.00        |

Credit Card Orders (<\$2500): Items must be in stock. Vendor must take Government Visa Card. No more than 15 line items.

Purchase Orders (>\$2500): Include Manufacturer and Manufacturer Part #. Minimum Essential Requirements must be attached.

To Expedite All Orders: Provide all required information. Verify all prices with vendor. If possible, attach vendor price quote with price quote # and date of quote.

| Log Action | Control # 0102 - 803 | Ordered By |
|------------|----------------------|------------|
|            | CAPR#                | Date       |

USADRD Order Form.doc 10-Apr-00

W8640M 0103 NO80

0102 - B100



### Martin Petersen Company, Inc.

Mechanical Contractors, Fabricators, & Engineers.
(Custom Steinless Steel Manufacturers for 46 years)

- (ASME Tank Manufacturers)

9625 55th Street - Kenosha, WI 53144 - 414.658.1326 - 414.658.0694 Fax

Date 4/5/2000

Delivery 4:Weeks

Ship Via best-way

F.O.B Kenosha

Terms Net 30

Revised 4/10/2000

To: Great Lakes Army Dental Research

Attn:

LTC Steven Eikenberg

| AND 1 ST. 124 ST. 144 |  |   |
|-----------------------|--|---|
|                       |  |   |
|                       | Custom Delivery System Cases for Prototype Field   | \$ 2,680.00 \$ 2,680.00                   |
|                       | Treatment and Operating System   |   |
|                       | and the second s | 70000                                     |
| 5                     | Custom Delivery System Cases for Prototype Field   | \$ 1,448.00 \$ 7,240.00                   |
|                       | Treatment and Operating System   |   |
|                       |  | 0 107000 0 001100                         |
| 7                     | Custom Delivery System Cases for Prototype Field   | \$ 1,373.00 \$ 9,611.00                   |
|                       | Treatment and Operating System   |   |
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| Quote Go              | od for 60 Days   | Total Price                               |

BY: Jim Savaglio

Date:

4/10/2000



Remit To:

Martin Petersen Company Inc.

P.O. Box 686366

Milwaukee, WI 53268-6366

### INVOICE

Sold To:

US ARMY DENTAL RESEARCH DETACHMENT C/O NAVAL DENTAL RESEARCH INSTITUTE 310B B ST BLDG AHH GREAT LAKES IL 60088 Date: **08/23/200**0

Order #: DAMD1700P0538

Invoice #: 201405M

Terms: net 30

Ref# M00903

Monthly statements no longer rendered. Please pay from this invoice

A Service charge of 1 1/2% per month (18% per Monthly statements no longer rendered. Please pay from this invoice.

OpyDescriptionHotel PriceTotal7 CUSTOM DENTAL LASER CASES1373.009611.00

Invoice Total

9611.00

### SECTION B Supplies or Services and Prices

**ITEM NO** 

SUPPLIES/SERVICES

QUANTITY

UNIT PRICE \$1,373.00

AMOUNT \$9,611.00

0001

7.00 Each CUSTOM BUILT DENTAL DELIVERY SYSTEM CASE

UNIT

FFP - CUSTOM BUILT DENTAL DELIVERY SYSTEM CASES FOR

PROTOTYPE USADRD DEFTOS

PURCHASE REQUEST NUMBER W80YCU-0102-N080

**NET AMT** 

\$9,611.00

ACRN AA Funded Amount

\$9,611.00